

AMENDMENTS TO THE DRAWINGS:

Please replace the sheets of drawings containing Figures 4 and 10, 5, 8 and 9, 13 and 14, 16, 19, and 21, respectively, with the accompanying replacement sheets containing the same figures.

In the replacement sheets, the typographical errors in Figures 5, 9, 10, 13, 16, 19 and 21, identified in the Office Action, have been corrected.

REMARKS

In response to the Office Action dated January 4, 2005, Applicant respectfully requests reconsideration and withdrawal of the objection to the drawings and rejections of the claims.

In response to the objection to the drawings, replacement sheets are being submitted herewith, to correct the typographical errors identified in the Office Action. The Examiner is thanked for his careful review of the drawings.

Claims 1-31 and 37-43 were rejected under 35 U.S.C. §102, on the grounds that they were considered to be anticipated by the Miller et al patent (U.S. 6,421,707). Claims 32-36 were rejected under 35 U.S.C. §102 as being anticipated by the Theimer et al patent (U.S. 5,493,692). In addition, all pending claims were rejected under 35 U.S.C. §103 as being unpatentable over the Miller patent in view of the Theimer patent. For the reasons presented below, it is respectfully submitted that these references do not anticipate, nor otherwise suggest, the subject matter of the currently pending claims.

Claim 1 recites an E-mail controlling apparatus including, among other features, a location information acquiring device that acquires location information regarding a destination to which a received E-mail is addressed, and a selecting device that selects one of multiple image output devices "on the basis of the location information acquired by said position acquiring device." It is respectfully submitted that the Miller patent does not disclose an E-mail controlling apparatus that includes this claimed subject matter. Rather, in the system of the Miller patent, the intended recipient of the E-mail message chooses the destination to which an attachment is to be sent, e.g. a facsimile number, and transmits this destination to a service center.

See, for example, column 6, lines 9-19, particularly lines 14-16. Since it is the user who selects the destination to which the facsimile is to be sent, the system of the Miller patent does not employ a location information acquiring device, or a device that selects one of multiple image output devices on the basis of acquired location information. Accordingly, the patent does not anticipate the subject matter of claim 1. For similar reasons, the subject matter of claims 15 and 37-43, as well as dependent claims 2-13 and 16-31, is not anticipated by the Miller patent.

Apparently recognizing this distinction, the Office Action provides an alternative rejection based upon a combination of the Miller and Theimer patents. To clarify the distinctions over any possible combination of these two references, the above-noted claims now recite that a notification E-mail is sent to the intended destination of the original received email, informing the recipient of the image output device that was selected by the selecting device. Thus, the recipient is informed about the particular one of multiple possible image output devices to which an E-mail attachment is being sent.

It is respectfully submitted that neither of the Miller nor Theimer patents discloses such a feature. As discussed previously, in the system of the Miller patent, the intended recipient sends a message designating the facsimile number to which the attachment is to be sent. In such a case, there is no need to send a notification E-mail to the recipient, since he or she is the one who selected the designated image output device.

The Theimer patent discloses technology for recognizing a user's position, based on information from a user agent. However, the Theimer patent likewise fails to teach that a notification E-mail, identifying a selected output device, is sent to the

intended destination of the original, received E-mail. Since neither of the cited references discloses such a concept, any possible combination of their teachings likewise would not result in the claimed subject matter.

Claims 14 and 31 recite that an E-mail identifying multiple prospective image output devices is sent to the destination of the original, received E-mail. It is respectfully submitted that neither of the Miller nor Theimer patents discloses this claimed feature. Consequently, any possible combination of their teachings would not suggest the claimed subject matter to a person of ordinary skill in the art.

Claim 32 recites a portable terminal unit that includes a device that receives E-mail from an E-mail controlling apparatus, and a device that detects the location of the portable terminal unit. The claimed portable terminal unit also includes an acquiring device that acquires data that indicates "an image output device selected on the basis of the location detected by said detecting device." It is respectfully submitted that neither of the Miller nor Theimer patents discloses a portable terminal unit having these claimed elements. As noted above, neither patent discloses the concept of sending an E-mail to a portable terminal unit that identifies an image output device that was selected on the basis of the location of the portable terminal unit. Nor do they disclose a portable terminal unit that acquires such information. Consequently, neither patent can be interpreted to anticipate the claimed subject matter. Similarly, any possible combination of their teachings would not result in the claimed portable terminal unit.


For similar reasons, claim 36 is submitted to be likewise patentable over the disclosures of these references.

For the foregoing reasons, it is respectfully submitted that all pending claims are patentably distinct from the Miller and Theimer references, whether considered individually or in combination. Reconsideration and withdrawal of the rejections are therefore respectfully requested.

Respectfully submitted,

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